



Report of the Joint Committee on Legislative Ethics

IN RE: DELEGATE JAY JALISI

Annapolis, Maryland
March 25, 2019

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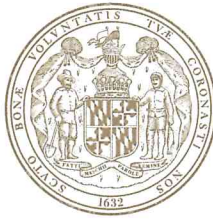
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MARYLAND GENERAL ASSEMBLY
JOINT COMMITTEE ON LEGISLATIVE ETHICS


March 25, 2019


The Honorable Michael E. Busch
Speaker of the House of Delegates
H-101 State House
Annapolis, Maryland 21401

Dear Speaker Busch:

There is transmitted herewith the Report of the Joint Committee on Legislative Ethics, In
Re: Delegate Jay Jalisi, adopted by unanimous vote of the committee on March 25, 2019.

Sincerely,


Senator George C. Edwards
Senate Chairman


Delegate Samuel I. Rosenberg
House Chairman

GCE:SIR/CLL/ncs

Maryland General Assembly Joint Committee on Legislative Ethics 2019 Membership Roster

Senator George C. Edwards, Senate Chair
Delegate Samuel I. Rosenberg, House Chair

Senators

Brian J. Feldman
Melony Griffith
Stephen S. Hershey, Jr.
Nancy J. King
Katherine A. Klausmeier

Delegates

Benjamin Barnes*
Bonnie Cullison
Kathleen M. Dumais
Adrienne A. Jones*
Nicholaus R. Kipke
Susan K. McComas

Committee Staff

Deadra W. Daly, Ethics Counsel
Crystal L. Lemieux, Co-counsel
Emily Wezik, Co-counsel

*Although Delegate Adrienne Jones is a member of the Ethics Committee, she chose not to participate in the issuance of a summary of allegations or further proceedings on this matter. As authorized by § 5-516(b)(2) of the General Provisions Article, the Speaker appointed Delegate Benjamin Barnes to serve as a substitute member of the Ethics Committee for this matter.

Contents

Letter of Transmittal	iii
Roster.....	v
Summary of Recommendations	1
Procedural Background.....	2
Factual Findings of the Joint Committee on Legislative Ethics	4
2015	5
2016	5
2017	6
2018	7
2019	9
Applicable Law, Opinions, and Advice.....	11
Constitution of Maryland.....	11
Public Ethics Law (Title 5 of the General Provisions Article)	11
Mason’s Manual of Legislative Procedure	11
Ethics Committee Opinions	12
Advice to Delegate Jalisi	12
Conclusions of the Joint Committee on Legislative Ethics	13
Recommendations of the Joint Committee on Legislative Ethics	15

Report of the Joint Committee on Legislative Ethics

In re: Delegate Jay Jalisi

March 25, 2019

The Joint Committee on Legislative Ethics (Ethics Committee), pursuant to the February 5, 2019 referral from the Speaker of the House of Delegates, Michael E. Busch (Speaker), in accordance with § 2-706(a)(3) of the State Government Article and § 5-516(a)(3) of the General Provisions Article, after conducting a review and proceedings regarding an alleged ongoing pattern of bullying and abusive workplace behavior on the part of Delegate Jay Jalisi toward his personal staff and General Assembly staff, submits its report with recommendations to the Speaker, which the Ethics Committee adopted by unanimous vote on this date. As authorized under § 5-517(b) of the General Provisions Article and the Rules of Legislative Ethics¹, the Ethics Committee voted unanimously to release this report to the House of Delegates because disclosure is necessary to uphold the integrity of the ethics investigation process.

Summary of Recommendations

Based on careful and thorough consideration of the evidence and the issues before it, and for the reasons set forth in detail in this report, the Ethics Committee unanimously recommends to the Speaker that:

1. the Speaker submit to the House of Delegates, and that the full House of Delegates adopt, a resolution of reprimand that (1) expresses the House of Delegates' disapproval of Delegate Jalisi's actions based on the conduct described in this Report of the Ethics Committee, and (2) adopts this report;
2. the Speaker continue to require Delegate Jalisi to participate in an anger management and workplace civility program approved by Human Resources and the Speaker, and that Delegate Jalisi not be allowed to have Maryland General Assembly paid staff until he has provided the Speaker with evidence demonstrating completion of such a program;
3. until Delegate Jalisi is authorized to have Maryland General Assembly paid staff, the Speaker require Delegate Jalisi to (1) promptly inform any individual who performs legislative or constituent services activities for Delegate Jalisi that the Maryland General Assembly will not compensate the individual for that work; (2) require the individual to sign a document acknowledging that Delegate Jalisi informed the individual of this restriction; and (3) require Delegate Jalisi promptly to provide the signed document to Human Resources;

¹ SJ 1 and HJ 7 of the Acts of 2000.

4. the Speaker require that Delegate Jalisi return any General Assembly identification badge and keys to any office paid for by the State that were provided to any individual who is not compensated by the Maryland General Assembly but is or has performed legislative or constituent services activities for Delegate Jalisi;
5. the Speaker prohibit any individual who is not compensated by the Maryland General Assembly but who performs legislative or constituent services activities for Delegate Jalisi from being issued a General Assembly identification badge, State email address, State employee parking, or keys to any office paid for by the State;
6. if Delegate Jalisi fails to participate in an anger management and workplace civility program approved by Human Resources and the Speaker before the beginning of the 2020 legislative session, the Speaker remove Delegate Jalisi from all committee assignments until he has provided the Speaker with evidence demonstrating completion of such a program; and
7. if Delegate Jalisi continues to bully, verbally abuse, retaliate against, or otherwise mistreat his personal staff or other General Assembly staff, the Speaker refer the matter back to the Ethics Committee for further investigation and additional action if necessary.

Procedural Background

The Ethics Committee conducted its review and proceedings in accordance with §§ 5-516 – 5-521 of the General Provisions Article, § 2-706 of the State Government Article, and the committee’s investigative procedures, adopted as required by § 5-520 of the General Provisions Article.

As authorized by § 2-708 of the State Government Article, on February 5, 2019, the Speaker requested that the Ethics Committee review “all incidents related to Delegate Jalisi’s conduct as a member of the Maryland General Assembly.” In the referral, the Speaker expressed concerns that “there has been an ongoing pattern of bullying and abusive workplace behavior on the part of Delegate Jalisi toward staff – particularly female staff members. Despite several efforts to try to dissuade this behavior, the pattern has continued.”

After receiving the Speaker’s referral, in accordance with § 2-706(a)(1) and (5) of the State Government Article and Title 5 Subtitle 5 of the General Provisions Article, the Ethics Committee conducted a review and proceedings consistent with its mandates to “perform all duties assigned to it by law or by legislative rules” and “at the request of the President or the Speaker, make recommendations concerning matters referred to the Committee.”

In the course of its investigation, the Ethics Committee held 5 closed session meetings. The Ethics Committee and its staff conducted 38 interviews of current and former staff of and volunteers for Delegate Jalisi, the Maryland General Assembly, and the Department of Legislative

Services; current and former members of the Maryland General Assembly; and employees of a local hotel. In addition, committee staff contacted or attempted to contact other individuals who declined to cooperate with the Ethics Committee's investigation. The Ethics Committee also received 18 sworn affidavits. At a hearing, the committee heard sworn testimony from 17 witnesses. Furthermore, the Ethics Committee reviewed email communications, prior complaints filed with the Ethics Committee, correspondence with Delegate Jalisi, and other evidence that witnesses and interviewees provided. The following is an overview of the Ethics Committee's investigation.

- On **February 5, 2019**, the Ethics Committee received a referral from the Speaker requesting that the Ethics Committee review an alleged pattern of bullying and abusive workplace behavior by Delegate Jalisi.
- On **February 6, 2019**, in a closed session, the Ethics Committee considered the Speaker's referral and directed its staff to begin an investigation of the matters referenced in the Speaker's referral.
- On **March 4, 2019**, the Ethics Committee met in closed session to hear a report on the investigation conducted by committee counsel.² The Ethics Committee approved, by unanimous vote, a summary of allegations of improper conduct by Delegate Jalisi. To provide Delegate Jalisi with a fair opportunity to respond to the allegations against him, the Ethics Committee voted unanimously to send the summary of allegations to Delegate Jalisi and his counsel, along with a request for relevant documentation or other evidence related to the allegations.
- On **March 5, 2019**, in accordance with § 5-519 of the General Provisions Article, the Ethics Committee mailed and emailed the summary of allegations to Delegate Jalisi and his counsel. In this letter, the Ethics Committee notified Delegate Jalisi and his counsel of the hearing date and requested that Delegate Jalisi provide any written response by March 12, 2019. Counsel for Delegate Jalisi submitted a timely response to the Ethics Committee.
- On **March 7, 2019**, counsel for Delegate Jalisi requested documents. In accordance with § 5-520 of the General Provisions Article and the Ethics Committee's Investigative Procedures, the Ethics Committee provided Delegate Jalisi and his counsel with documents that would be used during the hearing.

² Although Delegate Adrienne Jones is a member of the Ethics Committee, she chose not to participate in the issuance of a summary of allegations or further proceedings on this matter. As authorized by § 5-516(b)(2) of the General Provisions Article, the Speaker appointed Delegate Benjamin Barnes to serve as a substitute member of the Ethics Committee for this matter.

- On **March 15, 2019**, in a closed session, the Ethics Committee considered additional information gathered by committee counsel during the investigation. As authorized by § 5-519 of the General Provisions Article, the Ethics Committee adopted additional and amended allegations alleging improper conduct by Delegate Jalisi.
- On **March 18, 2019**, in accordance with § 5-519 of the General Provisions Article, the Ethics Committee mailed and emailed a list of additional and amended allegations to Delegate Jalisi and his counsel. In this letter, the Ethics Committee requested that Delegate Jalisi provide any written response by March 21, 2019. Counsel for Delegate Jalisi submitted a timely response to the Ethics Committee.
- On **March 23, 2019**, in closed session and in accordance with § 5-520 of the General Provisions Article, the Ethics Committee held a hearing. Delegate Jalisi was represented by counsel at the hearing. Although offered an opportunity to testify before the Ethics Committee, Delegate Jalisi chose not to do so, which is his right. The Ethics Committee heard testimony from 17 witnesses, including witnesses that Delegate Jalisi called. All witnesses testified under oath. The Ethics Committee, its counsel and staff, and Delegate Jalisi and his counsel were given an opportunity to question each witness. After the hearing, the Ethics Committee remained in closed session to review evidence and make findings relating to the allegations.
- On **March 25, 2019**, the Ethics Committee met in closed session to vote on the adoption of this written report and, in accordance with § 5-517 of the General Provisions Article, the Rules of Legislative Ethics, and the committee's investigative procedures, voted unanimously to release this written report to the House of Delegates.

Factual Findings of the Joint Committee on Legislative Ethics

After thoroughly reviewing all evidence available to the Ethics Committee relating to Delegate Jalisi's conduct, the Ethics Committee issues the following factual findings below in chronological order. The findings reveal repeated abusive conduct by Delegate Jalisi – conduct that was intimidating, degrading, disrespectful, and belligerent. The Ethics Committee further finds that Delegate Jalisi misled individuals regarding their employment and compensation. Moreover, Delegate Jalisi retaliated against one of the individuals who participated in the Ethics Committee's review in an apparent effort to silence this individual and keep the delegate's behavior out of the public eye.

The Ethics Committee considered testimony and documents from many witnesses describing numerous separate incidents where Delegate Jalisi engaged in bullying, belligerent, and abusive behavior. In his written response to the Ethics Committee's allegations, Delegate Jalisi flatly denied nearly all of the allegations, and otherwise alleged that insufficient information was provided to which he could respond. Although Delegate Jalisi and the witnesses he called provided different accounts of the incidents described below, the Ethics Committee finds the accounts as

described by other witnesses, in sworn testimony, and in contemporaneous emails to be credible because, through the accumulation of evidence, a pattern of repeated abusive behavior by Delegate Jalisi emerged. Unrelated individuals referring to separate incidents described conduct consistent with this pattern, including the use of nearly identical language by Delegate Jalisi. The common thread among all these accounts is the uncivil, bullying, and sometimes abusive and belligerent conduct of Delegate Jalisi.

2015

According to sworn testimony and contemporaneous emails, Delegate Jalisi instructed an aide to work approximately 100 hours of overtime, but refused to approve timesheets reflecting those hours. Delegate Jalisi also refused to allow the aide to leave work when the Maryland General Assembly was on liberal leave status and all bill hearings had been canceled due to inclement weather.

According to sworn testimony, Delegate Jalisi's behavior toward his 2015 legislative staff was "unpredictable" and often "volatile." Delegate Jalisi treated his staff as "truant" if they left to go to the restroom or to get lunch, and required his staff to keep daily logs of their work and justify to him how the tasks listed on their logs met their job requirements. Delegate Jalisi belittled his staff and accused them of failing to complete their tasks.

Subsequently, an aide filed a complaint with the Ethics Committee alleging that Delegate Jalisi mistreated his staff. Rather than moving forward with further proceedings, on December 15, 2015, the Ethics Committee advised Delegate Jalisi by letter that:

The Joint Committee reminds you that uncivil or indecorous conduct reflects poorly on the entire General Assembly and advises you to ensure that you interact with others with respect and in a manner that complies with the standards of decorum required and expected of public servants.

2016

According to sworn testimony, and a contemporaneous email, Delegate Jalisi verbally abused, bullied, and was belligerent with staff for the Ethics Committee. The staff member spoke with Delegate Jalisi on the phone regarding the Ethics Committee's letter to Delegate Jalisi concerning the outcome of the complaint filed in 2015 about Delegate Jalisi's treatment of staff. Delegate Jalisi asserted that the Ethics Committee's letter "meant nothing." After the staff member pointed to the language about his interactions with staff, Delegate Jalisi responded that the staff member had "no right" to make a judgment or do anything regarding the complaint, that the staff member was "too emotional" for this job, and that the staff member was "speaking to a legislator here." According to the staff member's testimony, in the staff member's 17 years of employment with the General Assembly and 8 years staffing the Ethics Committee, it was the "worst encounter I've had with a member."

In January, the Speaker and the Majority Whip counseled Delegate Jalisi regarding his behavior in reference to the 2015 complaint and his interaction with the Ethics Committee staff earlier that month.

2017

According to sworn testimony, and contemporaneous emails, multiple staff members and legislators reported to the House Administrator, Human Resources, and the Speaker's Chief of Staff that Delegate Jalisi verbally abused, bullied, and was belligerent with staff.

According to sworn testimony, before the 2017 legislative session, Delegate Jalisi met with the legislature's Human Resources Office (Human Resources) to inquire about nondisclosure agreements he had his staff sign. Human Resources staff advised Delegate Jalisi that their office could not enforce those agreements.

According to sworn testimony, Delegate Jalisi abused, bullied, and was belligerent with his staff. During one aide's employment, Delegate Jalisi yelled at the aide and questioned the aide's whereabouts, and accused the aide of lying about the aide's whereabouts and about completing the aide's task. Delegate Jalisi's voice was so loud that someone in another office contacted Human Resources about the incident. Delegate Jalisi told the aide to write a letter of apology to him if the aide wanted to come back to work for Delegate Jalisi the next day. Human Resources staff contacted the aide, asking whether the aide wanted to be moved to another member's office. The aide terminated employment with Delegate Jalisi and began working for another member.

Subsequently, after the aide began working in another legislator's office, Delegate Jalisi spoke with Human Resources again regarding the office's ability to enforce a nondisclosure agreement the aide had signed. Delegate Jalisi asserted that the aide could not work for another member because the aide had signed a nondisclosure agreement. Human Resources staff again told Delegate Jalisi that the office could not enforce a nondisclosure agreement between the delegate and his staff. Delegate Jalisi argued with Human Resources staff, raising his voice to the point that the staff member asked him to leave the office. The staff member, who has worked for the Maryland General Assembly for 38 years, testified that the staff member has never had to ask any other member to leave the office during the staff member's tenure with the legislature.

In February, the Speaker and the Majority Whip counseled Delegate Jalisi regarding the impropriety of the use of nondisclosure agreements and his poor treatment of Human Resources staff.

According to sworn testimony, on Sine Die, Delegate Jalisi demanded that staff of the Office of the Chief Clerk (Clerk's office) retrieve one of his bills from the Office of the Secretary of the Senate. After staff advised the delegate that his request was inconsistent with standard processes, Delegate Jalisi continued to demand that staff retrieve the bill and interfered with staff's ability to do their work. The situation escalated to the point that one of the clerks asked a State trooper to keep Delegate Jalisi out of the office. The State troopers continued to monitor the situation for the rest of the evening.

In October, the Speaker and the Majority Whip counseled Delegate Jalisi regarding the impropriety of his treatment of staff in the Clerk's office on Sine Die.

2018

According to sworn testimony and contemporaneous emails, Delegate Jalisi abused, bullied, and was belligerent with the staff member of the Clerk's office involved in the 2017 incident. Delegate Jalisi accused the staff member of "killing" one of his bills during the 2017 session. Delegate Jalisi raised his voice at the staff member, pointed his finger at her, and in a "very ugly tone" yelled, "You are the one that killed my bill last year. You would not get up and go to the Senate to get my bills back before Sine Die. You killed my bill. You are not to look at or touch any of my bills." A member of the House of Delegates witnessed the end of the altercation and testified that, because the member had never heard any other legislator yell at a clerk in the member's 16 years in the Maryland General Assembly, the member found Delegate Jalisi's behavior to be "appalling."

Subsequently, the member filed a complaint with the Ethics Committee about the incident, alleging that Delegate Jalisi behaved inappropriately toward the staff member and that he "berated" the employees in the Clerk's office. In response to the complaint, the Ethics Committee sent Delegate Jalisi a letter that:

1. reminded Delegate Jalisi of the standards of civility that are expected of members of the General Assembly;
2. expressed concern that Delegate Jalisi appeared to consistently treat staff with disrespect and in an unprofessional, condescending, and potentially belligerent manner; and
3. provided guidance to Delegate Jalisi on the legislature's Anti-Harassment Policy and Procedures.

The Ethics Committee also referred the matter to the Speaker with a recommendation that (1) Delegate Jalisi participate in an anger management and workplace civility program approved by the Speaker, and (2) if Delegate Jalisi failed to do so by the start of the 2019 legislative session, the Speaker not allow Delegate Jalisi to have staff.

According to sworn testimony, staff members and legislators reported to the Speaker's Chief of Staff and Human Resources regarding Delegate Jalisi's unprofessional, abusive, and belligerent treatment of staff. A member in an office adjacent to Delegate Jalisi's office overheard Delegate Jalisi yelling at his staff and reported the behavior to the Speaker's Chief of Staff.

In March, the Speaker and the Majority Whip scheduled a meeting with Delegate Jalisi to counsel him regarding his conduct; however, Delegate Jalisi failed to attend this meeting.

Another matter regarding Delegate Jalisi's treatment of staff was brought to the attention of the Ethics Committee. The Ethics Committee sent another letter to Delegate Jalisi that:

1. reminded him of the standards of conduct, civility, and decorum expected of legislators;
2. advised him that his conduct reflected poorly on the Maryland General Assembly;
3. expressed concern that Delegate Jalisi appeared to consistently treat staff with disrespect and in an unprofessional, condescending, and potentially belligerent manner;
4. provided guidance to Delegate Jalisi on the legislature's Anti-Harassment Policy and Procedures;
5. advised Delegate Jalisi that additional reports of similar improper conduct could result in a recommendation that the full House of Delegates take action; and
6. reminded Delegate Jalisi that adverse actions taken in retaliation against an individual for reporting or participating in an investigation of a claim of harassment or discrimination is a violation of the legislature's Anti-Harassment Policy and Procedures and would be subject to disciplinary action.

The Ethics Committee additionally referred the matter to the Speaker, reaffirming its earlier recommendation that (1) Delegate Jalisi participate in an anger management and workplace civility program approved by the Speaker, and (2) that if Delegate Jalisi failed to do so by the start of the 2019 legislative session, the Speaker not allow Delegate Jalisi to have staff.

In August, the Speaker requested that Delegate Jalisi "participate in an anger management and workplace civility program" approved by the Speaker and Human Resources. In addition, the Speaker advised Delegate Jalisi that, if he failed to do so, the Speaker would:

refer this matter, as well as any other allegations of similar misconduct on your part, to the Committee for further investigation pursuant to State Government Article § 2-708. That investigation may include a formal hearing conducted under Title 5, Subtitle 5, of the General Provisions Article. This is non-negotiable.

Furthermore, the Speaker advised the delegate that if he failed to participate in such a program, Delegate Jalisi would not be permitted to have General Assembly paid staff.³

In September, Delegate Jalisi filed a complaint against a witness who cooperated with the Ethics Committee. That complaint was determined to be unfounded. The Ethics Committee determined that Delegate Jalisi's action of filing this complaint constituted retaliation against the witness.

Delegate Jalisi contacted Human Resources in late December stating that he was hiring two new aides for the session and continuing employment of two other aides.

2019

Delegate Jalisi did not participate in an anger management and workplace civility program, and was advised repeatedly that he was not permitted to have staff paid by the General Assembly because he had not completed a program as requested by the Speaker.

According to sworn testimony, Delegate Jalisi told one of the individuals that he purported to hire that the individual would be paid. Human Resources staff repeatedly advised the individual to speak with Delegate Jalisi regarding the individual's employment status and the individual's inability to be placed on the General Assembly's payroll. In late January, the individual terminated the individual's "employment" with Delegate Jalisi, having worked for a month without compensation. In February, Delegate Jalisi emailed the individual stating that his company would pay the individual for the time the individual worked in his Annapolis office. Later that month, the individual emailed Delegate Jalisi asking when the individual could expect payment, and whether

³ Article III, §19 of the Constitution of Maryland authorizes each house of the Maryland General Assembly to "appoint its own officers, determine the rules of its own proceedings, punish a member for disorderly or disrespectful behavior and with the consent of two-thirds of its whole number of members elected, expel a member..." Rule 2 of the Rules of the House of Delegates provides that the Speaker is the Presiding Officer of the House of Delegates; further, Rule 10 states that the Speaker is responsible for the order and decorum of the chamber and other rooms used for legislative business. Additionally, Rule 110(a) provides that "[t]he Speaker may assign employees of the House from one position to another as the need requires." Rule 117 of the Rules of the House of Delegates require the Speaker of the House of Delegates to "be guided by the rules of parliamentary practice set forth in Mason's 'Manual of Legislative Procedures' to the extent those rules are applicable and do not conflict with" the Rules of the House of Delegates. Sections 561 and 805 of the 2010 edition of Mason's Manual of Legislative Procedure state that, "A state legislative body possesses inherent powers of self-protection." Section 805.2 provides that, "An official charged with the responsibility of presiding over a legislative body has the discretion or implied authority to maintain the order and dignity becoming of the body." Lastly, the Maryland General Assembly Personnel Guidelines expressly state that "[t]he President and Speaker have the final authority to implement, administer, and enforce, these Guidelines, may review any personnel decision made by a member, and reserve the right to respond to specific situations in the manner that best serves the Maryland General Assembly." Thus, the Speaker had and continues to have the authority to prohibit a member from having paid General Assembly staff in order to maintain the order and dignity of the body by taking steps to protect staff from improper treatment.

the payment was conditioned on actions not related to the aide's legislative work for Delegate Jalisi. The next day Delegate Jalisi responded to the individual, asserting that the individual worked in his office for almost 30 days "knowing full well that you may not be paid, at least in the foreseeable future," and told the individual that he was trying to resolve the pay issue with the General Assembly, but that he was not sure how long it would take.

According to sworn testimony, Delegate Jalisi verbally abused, bullied, and was belligerent with the individual. Delegate Jalisi told the individual that the individual was "stupid" and "incompetent," pointed his finger in the individual's face and yelled at the individual, and made the individual stand in the delegate's office and repeat, "I am incompetent. I am incompetent." In one incident, after the individual went to the wrong room, Delegate Jalisi told the individual, "I am going to fire you if you do this again." The individual described the work environment as "toxic," testified that Delegate Jalisi had "no patience" or "self-control," and stated that Delegate Jalisi "belittled" the individual.

According to sworn testimony, Delegate Jalisi told another individual that he purported to hire that he could pay the individual for the individual's work. The individual said that Delegate Jalisi told the individual that if the individual "stick[s] with him, eventually [I] the individual would get paid." Human Resources staff advised the individual to speak with Delegate Jalisi regarding the individual's employment status and the individual's inability to be placed on the General Assembly's payroll. In February, after being notified that the individual was still working for Delegate Jalisi, Human Resources called the individual and explained that the individual was not on payroll and again advised the individual to speak with Delegate Jalisi. In February, the individual terminated "employment" with Delegate Jalisi, having worked for over a month without compensation.

In January, after being advised that Delegate Jalisi continued to "employ" two aides, Human Resources staff contacted the aides to advise them that they could no longer be employed by Delegate Jalisi, but that Human Resources could help them find a position with another member. Although Delegate Jalisi was repeatedly advised that he was not authorized to hire staff paid by the General Assembly, Delegate Jalisi failed to notify either aide that he could no longer employ them.

In February, Delegate Jalisi was reminded again that he was not authorized to place anyone on the General Assembly's payroll without, and until, he received the Speaker's authorization, which he did not have. Delegate Jalisi was further told that he did not have authorization for regular employees, contractual employees, interns, or pages. Subsequently, according to sworn testimony, Human Resources was notified that Delegate Jalisi had new staff working in his legislative office. Human Resources staff repeatedly tried to contact Delegate Jalisi's office, but did not receive a response.

During the early portion of the 2019 legislative session, Delegate Jalisi was staying at a local hotel at the General Assembly's expense. According to contemporaneous emails, after a series of confrontations with hotel staff during his stay, hotel management advised Delegate Jalisi that he could no longer be a guest at the hotel.

Applicable Law, Opinions, and Advice

In reviewing this matter, the Ethics Committee considered the Constitution of Maryland, the Public Ethics Law, Mason's Manual of Legislative Procedure, previous advice and interpretations of the Ethics Committee, and prior advice provided to Delegate Jalisi.

Constitution of Maryland

Article III, § 19 of the Constitution of Maryland authorizes each house of the Maryland General Assembly to "appoint its own officers, determine the rules of its own proceedings, punish a member for disorderly or disrespectful behavior and with the consent of two-thirds of its whole number of members elected, expel a member...."

Public Ethics Law (Title 5 of the General Provisions Article)

In a prior enforcement matter that resulted in the passage of a resolution of reprimand of the House of Delegates, which included the adoption of a report by the Ethics Committee, the Ethics Committee found that a former member's actions were contrary to the principles of ethical standards of the Maryland Public Ethics Law and the intent of the law.⁴ Thus, in determining whether conduct is consistent with the standards of legislative ethics, the Ethics Committee has considered the legislative intent of the Public Ethics Law, codified at § 5-102 of the General Provisions Article. This section includes the following statement:

The General Assembly of Maryland, recognizing that our system of representative government is dependent on maintaining the highest trust by the people in their government officials and employees, finds and declares that the people have a right to be assured that the impartiality and independent judgment of those officials and employees will be maintained.

The law further expresses the intent of the General Assembly that the Public Ethics Law, except for its criminal sanctions, be liberally construed to accomplish its purposes.

Mason's Manual of Legislative Procedure

Rule 117 of the Rules of the House of Delegates require the Speaker of the House of Delegates to "be guided by the rules of parliamentary practice set forth in Mason's 'Manual of Legislative Procedures' to the extent those rules are applicable and do not conflict with" the Rules of the House of Delegates. Sections 561 and 805 of the 2010 edition of Mason's Manual of Legislative Procedure state that, "A state legislative body possesses inherent powers of self-protection." Section 561 states further that, "A legislative body has the right to regulate the

⁴ HS 1 of the Acts of 2017 passed 138-0. See also *Report of the Joint Committee on Legislative Ethics: In Re: Delegate Dan K. Morhaim*, February 28, 2017.

conduct of its members and may discipline a member as it deems appropriate, including reprimand, censure or expulsion.”

Ethics Committee Opinions

In Ethics Opinion 12, the Ethics Committee advised that, “Although nonofficial letterhead and email are appropriate for communicating political content, members nonetheless should remain cognizant of the norms of civility and decorum within the legislature.” That opinion further states that members are expected to use common sense before sending correspondence that could be viewed as inflammatory. The Ethics Committee has consistently advised that these same norms apply to a legislator’s treatment of colleagues and staff.

Advice to Delegate Jalisi

The Ethics Committee has previously advised Delegate Jalisi about the standards of civility and decorum that apply to legislators and their treatment of colleagues and staff. The Speaker, House leadership, other legislators, and staff of the General Assembly have also counseled Delegate Jalisi regarding the proper treatment of staff.

- In a December 15, 2015 letter, the Ethics Committee advised Delegate Jalisi that the standards concerning civility, decorum, and inflammatory remarks that apply to correspondence also apply to treatment of colleagues and staff. The Ethics Committee reminded the delegate that “uncivil or indecorous conduct reflects poorly on the entire General Assembly” and advised Delegate Jalisi to “interact with others with respect and in a manner that complies with the standards of decorum required and expected of public servants.”
- In 2016, the Speaker and the Majority Whip met with Delegate Jalisi and counseled him on appropriate treatment of staff.
- In addition, the Speaker and the Majority Whip met with Delegate Jalisi twice during 2017 to counsel him about appropriate treatment of staff and the impropriety of his use of nondisclosure agreements.
- In an April 6, 2018 letter, the Ethics Committee again advised Delegate Jalisi that the standards of civility and decorum within the legislature also apply to treatment of colleagues and staff.
- In a June 6, 2018 letter, the Ethics Committee again advised Delegate Jalisi that the standards of civility and decorum apply to treatment of colleagues and staff.

- In 2018, the Speaker and the Majority Whip scheduled a meeting to counsel Delegate Jalisi once again on appropriate treatment of staff; however, Delegate Jalisi did not attend the scheduled meeting.

Conclusions of the Joint Committee on Legislative Ethics

In conducting its review, the Ethics Committee was guided by the goal of ensuring the confidence of the people of this State in their government officials and the General Assembly by upholding high standards of conduct. The Ethics Committee is acutely cognizant of the potential for abuse of power and influence by a legislator toward those working in the legislative sphere. The Maryland General Assembly must continuously strive to foster a workplace culture that promotes collegiality, diversity, fairness, and safety. It is the duty of all members of the General Assembly to uphold the essential principles of representative government and the integrity of the Body by holding ourselves to the highest standards of behavior and refraining from conduct that brings dishonor on the General Assembly. To this end, all members of this great Body must treat each other, the public, and our staff with the dignity and respect they deserve.

The Ethics Committee considered whether Delegate Jalisi breached the standards of conduct expected of members of the General Assembly. During Delegate Jalisi's tenure with the General Assembly, a substantial number of incidents have come to the attention of the Speaker, the Ethics Committee, the members of the General Assembly, Human Resources, and legislative staff. The Ethics Committee investigated numerous allegations of verbally abusive, belligerent, and bullying behavior on the part of Delegate Jalisi. These incidents were not isolated. They reflect a consistent, repeated pattern of verbal and emotional abuse of staff – both General Assembly staff and other staff with whom he interacted in his role as a legislator. Delegate Jalisi's conduct went well beyond simply being a demanding supervisor and instead demonstrates a pattern of verbally and emotionally abusive and bullying behavior. Delegate Jalisi misused his State position to abuse and take advantage of individuals that Delegate Jalisi deemed to be subordinate to him. This abusive conduct has continued for the entirety of Delegate Jalisi's tenure, despite numerous attempts by various officials and employees to counsel him regarding the inappropriateness of his behavior.

Delegate Jalisi was given numerous opportunities to change his behavior before the Speaker referred this matter to the Ethics Committee. Delegate Jalisi has been counseled repeatedly by the Speaker, the Ethics Committee, members of House Leadership, his peers, Human Resources, and General Assembly staff. Despite this counseling, Delegate Jalisi's pattern of abusive conduct has continued unabated. The Speaker attempted to help Delegate Jalisi rehabilitate himself by counseling him on his inappropriate behavior and finally, because the behavior persisted, requesting that Delegate Jalisi participate in an anger management and workplace civility program. Since August of 2018, Delegate Jalisi has refused to take action on the Speaker's recommendation. Further, although having been specifically and repeatedly advised by the Speaker and staff of the General Assembly that he was not authorized to have General Assembly paid staff, Delegate Jalisi blatantly ignored the Speaker's direction and "hired" and retained staff.

Even more concerning is the fact that Delegate Jalisi misled his staff and expressly stated that the staff would be paid even though he had been advised repeatedly that he was not authorized to put any individuals on the legislature's payroll. Finally, Delegate Jalisi has refused to acknowledge or accept any responsibility for his conduct or its impact on General Assembly staff and has made no effort to reform his conduct.

The Ethics Committee's investigation, conducted as required by the referral made to the committee, has resulted in a better understanding of the level of impropriety and true and pervasive nature of Delegate Jalisi's abusive activities toward staff. Given this knowledge, the Ethics Committee cannot simply stand by and allow a member to continue to use his stature as a legislator to act inappropriately and abuse and retaliate against staff. Delegate Jalisi's actions have brought dishonor on this Body and has caused emotional and mental harm to General Assembly staff.

The Maryland General Assembly has a duty to protect its dedicated staff – the public servants who enable each of us to work for the betterment of Maryland and its people. The Ethics Committee recognizes the risks that staff members have taken in reporting and participating in the committee's investigation of Delegate Jalisi's poor conduct. We commend each of them for their bravery and assure them that we heard, and placed great weight on, their testimony. As the Ethics Committee considered this matter, we were guided by the principles that elected officials do not have the right to abuse and belittle others and that our staff are public servants who deserve to be treated with respect and dignity.

Accordingly, based on the law, opinions, and advice discussed above as well as the goals and factual findings described in this report, the Ethics Committee concludes that Delegate Jalisi has breached the standards of conduct expected of members of the General Assembly by engaging in repeated verbal and emotional abuse and bullying of legislative staff and others who do business with the General Assembly. Delegate Jalisi has belittled General Assembly employees, misled his staff, refused to provide payment for the services provided by his staff after being informed that he was not entitled to General Assembly paid staff, displayed dominating and controlling behavior, and deliberately ignored directives of the Speaker, the Speaker's staff, and Human Resources. Furthermore, the Ethics Committee finds that Delegate Jalisi attempted to shield his conduct from public view by attacking and retaliating against an individual who participated in the Ethics Committee's review.

Delegate Jalisi has disregarded the advice he has received and has refused to comply with the Speaker's request that he participate in an anger management and workplace civility program. Delegate Jalisi could have avoided this public shaming if he had simply accepted and tried to learn from the advice and guidance so many have offered him. Delegate Jalisi's continued verbally and emotionally abusive conduct has simply become unmanageable and is unlikely to change, thereby requiring the Ethics Committee to recommend more severe action to address his behavior and protect the General Assembly's staff.

Recommendations of the Joint Committee on Legislative Ethics

One of the most difficult duties asked of the members of the General Assembly is to judge other legislators. Despite the challenges in navigating the task, Maryland law requires the Ethics Committee to help the General Assembly honor those duties by reviewing and making recommendations regarding the conduct of members of the General Assembly. The Ethics Committee takes its statutory duty to make recommendations concerning matters referred to it by a presiding officer very seriously. The Ethics Committee investigates each matter before it thoroughly, and makes recommendations thoughtfully and impartially, as the Ethics Committee is sensitive to the impact and importance of its findings and recommendations.

In the oath of office that each member of the General Assembly has taken, we each pledge to uphold the Constitution of Maryland and its laws. Our State constitution commands us, as members of the General Assembly who have been elected to serve the public, to discipline our colleagues who have violated our rules and standards of conduct. Specifically, Article III, § 19 of the Constitution of Maryland provides that each house of the General Assembly “shall be the judge of qualifications and elections of its members” and “shall...punish a member for disorderly or disrespectful behavior....” In accordance with that direction, the Ethics Committee unanimously recommends that the Speaker:

1. submit to the House of Delegates, and that the full House of Delegates adopt, a resolution of reprimand (1) expressing the House of Delegates’ disapproval of Delegate Jalisi’s actions based on the conduct described in this Report of the Joint Committee on Legislative Ethics, and (2) adopting this report;
2. continue to require Delegate Jalisi to participate in an anger management and workplace civility program approved by Human Resources and the Speaker, and not allow Delegate Jalisi to have Maryland General Assembly paid staff until he has provided the Speaker with evidence demonstrating completion of such a program;
3. until Delegate Jalisi is authorized to have Maryland General Assembly paid staff, require Delegate Jalisi to (1) promptly inform any individual who performs legislative or constituent services activities for Delegate Jalisi that the Maryland General Assembly will not compensate the individual for that work; (2) require the individual to sign a document acknowledging that Delegate Jalisi informed the individual of this restriction; and (3) require Delegate Jalisi promptly to provide the signed document to Human Resources;
4. require that Delegate Jalisi return any General Assembly identification badge and keys to any office paid for by the State that were provided to any individual who is not compensated by the Maryland General Assembly but is or has performed legislative or constituent services activities for Delegate Jalisi;

5. prohibit any individual who is not compensated by the Maryland General Assembly but who performs legislative or constituent services activities for Delegate Jalisi from being issued a General Assembly identification badge, State email address, State employee parking, or keys to any office paid for by the State;
6. if Delegate Jalisi fails to participate in an anger management and workplace civility program approved by Human Resources and the Speaker before the beginning of the 2020 legislative session, remove Delegate Jalisi from all committee assignments until he has provided the Speaker with evidence demonstrating completion of such a program; and
7. if Delegate Jalisi continues to bully, verbally abuse, retaliate against, or otherwise mistreat his personal staff or other General Assembly staff, refer the matter back to the Ethics Committee for further investigation and additional action if necessary.

The Ethics Committee believes these recommendations are an appropriate sanction to maintain the public's faith in their elected officials and ensure that this conduct ceases and is not repeated.